



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4113

by Rep. Jerry F. Costello, II

SYNOPSIS AS INTRODUCED:

30 ILCS 500/1-13.5 new	
110 ILCS 520/2	from Ch. 144, par. 652
110 ILCS 520/4	from Ch. 144, par. 654
110 ILCS 520/5	from Ch. 144, par. 655

Amends the Illinois Procurement Code to set forth provisions concerning applicability to public institutions of higher education. Amends the Southern Illinois University Management Act. Provides that the Board of Trustees shall include one voting student member chosen from each campus of the University (instead of one voting student member designated by the Governor from one campus and one nonvoting student member from the campus not represented by the voting student member). Makes corresponding changes. Effective immediately.

LRB099 09011 NHT 29191 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by
5 adding Section 1-13.5 as follows:

6 (30 ILCS 500/1-13.5 new)

7 Sec. 1-13.5. Applicability to public institutions of
8 higher education.

9 (a) As used in this Section:

10 "Grant" means non-appropriated funding provided by a
11 federal or private entity to support a project or program
12 administered by a public institution of higher education and
13 any non-appropriated funding provided to a sub-recipient of the
14 grant.

15 "Public institution of higher education" means Chicago
16 State University, Eastern Illinois University, Governors State
17 University, Illinois State University, Northeastern Illinois
18 University, Northern Illinois University, Southern Illinois
19 University, the University of Illinois, Western Illinois
20 University, and, for purposes of this Code only, the Illinois
21 Mathematics and Science Academy.

22 (b) This Code shall apply to public institutions of higher
23 education, regardless of the source of the funds with which

1 contracts are paid, except as provided in this Section.

2 (c) Except as provided in this Section, this Code shall not
3 apply to procurements made by or on behalf of public
4 institutions of higher education for any of the following:

5 (1) Memberships in professional, academic, research,
6 or athletic organizations on behalf of a public institution
7 of higher education, an employee of a public institution of
8 higher education, or a student at a public institution of
9 higher education.

10 (2) Procurement expenditures for events or activities
11 paid for exclusively by revenues generated by the event or
12 activity, gifts or donations for the event or activity,
13 private grants, or any combination thereof.

14 (3) Procurement expenditures for events or activities
15 for which the use of specific potential contractors is
16 mandated or identified by the sponsor of the event or
17 activity, provided that the sponsor is providing a majority
18 of the funding for the event or activity.

19 (4) Procurement expenditures necessary to provide
20 artistic or musical services, performances, or productions
21 held at a venue operated by a public institution of higher
22 education.

23 (5) Procurement expenditures for periodicals and books
24 procured for use by a university library or academic
25 department, except for expenditures related to procuring
26 textbooks for student use or materials for resale or

1 rental.

2 (6) Procurement expenditures for placement of students
3 in externships, practicums, field experiences, and medical
4 residencies and rotations.

5 (7) Contracts for programming and broadcast license
6 rights for university-operated radio and television
7 stations.

8 (8) Contracts for the printing of a student-run
9 newspaper if the printing press contracted by the public
10 institution of higher education is located in the same
11 municipality as a campus of the public institution of
12 higher education and is owned by a local newspaper of
13 general circulation.

14 Notice of each contract entered into by a public institution of
15 higher education that is related to the procurement of goods
16 and services identified in items (1) through (8) of this
17 subsection (c) shall be published in the Procurement Bulletin
18 within 14 calendar days after contract execution. The Chief
19 Procurement Officer shall prescribe the form and content of the
20 notice. Each public institution of higher education shall
21 provide the Chief Procurement Officer, on a monthly basis, in
22 the form and content prescribed by the Chief Procurement
23 Officer, a report of contracts that are related to the
24 procurement of goods and services identified in this subsection
25 (c). At a minimum, this report shall include the name of the
26 contractor, a description of the supply or service provided,

1 the total amount of the contract, the term of the contract, and
2 the exception to this Code utilized. A copy of any or all of
3 these contracts shall be made available to the Chief
4 Procurement Officer immediately upon request. The Chief
5 Procurement Officer shall submit a report to the Governor and
6 General Assembly no later than November 1 of each year that
7 shall include, at a minimum, an annual summary of the monthly
8 information reported to the Chief Procurement Officer.

9 (d) Except as provided in this subsection (d), the
10 provisions of this Code shall not apply to contracts for
11 FDA-regulated supplies and to contracts for medical services
12 necessary for the delivery of care and treatment at medical,
13 dental, or veterinary teaching facilities utilized by Southern
14 Illinois University or the University of Illinois. Other
15 supplies and services needed for these teaching facilities
16 shall be subject to the jurisdiction of the Chief Procurement
17 Officer for Public Institutions of Higher Education, who may
18 establish expedited procurement procedures and may waive or
19 modify certification, contract, hearing, process, and
20 registration requirements required by this Code. All
21 procurements made under this subsection (d) shall be documented
22 and may require publication in the Illinois Procurement
23 Bulletin.

24 (e) Procurements made by or on behalf of public
25 institutions of higher education for either of the following
26 shall be made in accordance with the requirements of this Code

1 to the extent practical as provided in this subsection (e):

2 (1) Contracts with a foreign entity necessary for
3 research or educational activities, provided that the
4 foreign entity either does not maintain an office in the
5 United States or is the sole source of the service or
6 product.

7 (2) Procurements required for fulfillment of a grant.

8 Upon the written request of a public institution of higher
9 education, the Chief Procurement Officer may waive
10 registration, certification, and hearing requirements of this
11 Code if, based on the item to be procured or the terms of a
12 grant, compliance is impractical. The public institution of
13 higher education shall provide the Chief Procurement Officer
14 with specific reasons for the waiver, including the necessity
15 of contracting with a particular potential contractor, and
16 shall certify that an effort was made in good faith to comply
17 with the provisions of this Code. The Chief Procurement Officer
18 shall provide written justification for any waivers. By
19 November 1 of each year, the Chief Procurement Officer shall
20 file a report with the General Assembly identifying each
21 contract approved with waivers and providing the justification
22 given for any waivers for each of those contracts. Notice of
23 each waiver made under this subsection (e) shall be published
24 in the Procurement Bulletin within 14 calendar days after
25 contract execution. The Chief Procurement Officer shall
26 prescribe the form and content of the notice.

1 (f) Notwithstanding this Section, a waiver of the
2 registration requirements of Section 20-160 does not permit a
3 business entity and any affiliated entities or affiliated
4 persons to make campaign contributions if otherwise prohibited
5 by Section 50-37. The total amount of contracts awarded in
6 accordance with this Section shall be included in determining
7 the aggregate amount of contracts or pending bids of a business
8 entity and any affiliated entities or affiliated persons.

9 (g) Notwithstanding subsection (e) of Section 50-10.5 of
10 this Code, the Chief Procurement Officer, with the approval of
11 the Executive Ethics Commission, may permit a public
12 institution of higher education to accept a bid or enter into a
13 contract with a business that assisted the public institution
14 of higher education in determining whether there is a need for
15 a contract or assisted in reviewing, drafting, or preparing
16 documents related to a bid or contract, provided that the bid
17 or contract is essential to research administered by the public
18 institution of higher education and it is in the best interest
19 of the public institution of higher education to accept the bid
20 or contract. For purposes of this subsection (g), "business"
21 includes all individuals with whom a business is affiliated,
22 including, but not limited to, any officer, agent, employee,
23 consultant, independent contractor, director, partner,
24 manager, or shareholder of a business. The Executive Ethics
25 Commission may adopt rules for the implementation and
26 administration of the provisions of this subsection (g).

1 (h) This Section is repealed on December 31, 2016.

2 Section 10. The Southern Illinois University Management
3 Act is amended by changing Sections 2, 4, and 5 as follows:

4 (110 ILCS 520/2) (from Ch. 144, par. 652)

5 Sec. 2. The Board shall consist of 7 members appointed by
6 the Governor, by and with the advice and consent of the Senate,
7 the Superintendent of Public Instruction, or his chief
8 assistant for liaison with higher education when designated to
9 serve in his place, ex-officio, and one ~~voting~~ student member
10 chosen ~~designated by the Governor~~ from each ~~one~~ campus of the
11 University ~~and one nonvoting student member from the campus of~~
12 ~~the University not represented by the voting student member.~~
13 ~~The Governor shall designate one of the student members serving~~
14 ~~on the Board to serve as the voting student member.~~ Each
15 student member shall be chosen by the respective campuses of
16 Southern Illinois University at Carbondale and Edwardsville.
17 The method of choosing these student members shall be by
18 campus-wide student election, ~~and any student designated by the~~
19 ~~Governor to be a voting student member shall be one of the~~
20 ~~students chosen by this method.~~ The student members shall serve
21 terms of one year beginning on July 1 of each year, except that
22 the student members initially selected shall serve a term
23 beginning on the date of such selection and expiring on the
24 next succeeding June 30. To be eligible for selection as a

1 student member and to be eligible to remain as a ~~voting or~~
2 ~~nonvoting~~ student member of the Board, a student member must be
3 a resident of this State, must have and maintain a grade point
4 average that is equivalent to at least 2.5 on a 4.0 scale, and
5 must be a full time student enrolled at all times during his or
6 her term of office except for that part of the term which
7 follows the completion of the last full regular semester of an
8 academic year and precedes the first full regular semester of
9 the succeeding academic year at the university (sometimes
10 commonly referred to as the summer session or summer school).
11 If a ~~voting or nonvoting~~ student member serving on the Board
12 fails to continue to meet or maintain the residency, minimum
13 grade point average, or enrollment requirement established by
14 this Section, his or her membership on the Board shall be
15 deemed to have terminated by operation of law. No more than 4
16 of the members appointed by the Governor shall be affiliated
17 with the same political party. Each member appointed by the
18 Governor must be a resident of this State. A failure to meet or
19 maintain this residency requirement constitutes a resignation
20 from and creates a vacancy in the Board. Upon the expiration of
21 the terms of members appointed by the Governor, their
22 respective successors shall be appointed for terms of 6 years
23 from the third Monday in January of each odd-numbered year and
24 until their respective successors are appointed for like terms.
25 If the Senate is not in session appointments shall be made as
26 in the case of vacancies.

1 (Source: P.A. 91-778, eff. 1-1-01; 91-798, eff. 7-9-00; 92-16,
2 eff. 6-28-01.)

3 (110 ILCS 520/4) (from Ch. 144, par. 654)

4 Sec. 4. Members of the Board shall serve without
5 compensation but shall be entitled to reasonable amounts for
6 expenses necessarily incurred in the performance of their
7 duties. ~~Such expenses incurred by any non voting student member
8 may, at the discretion of the Chairman of the Board, be
9 provided for by advance payment to such member, who shall
10 account therefor to the Board immediately after each meeting.~~

11 No member of the Board shall hold or be employed in or
12 appointed to any office or place under the authority of the
13 Board, nor shall any member of the Board be directly or
14 indirectly interested in any contract made by the Board, nor
15 shall he be an employee of the State Government. This section
16 does not prohibit the student members of the Board from
17 maintaining normal and official status as enrolled students or
18 normal student employment at Southern Illinois University.

19 (Source: P.A. 93-1096, eff. 1-1-06.)

20 (110 ILCS 520/5) (from Ch. 144, par. 655)

21 Sec. 5. Members of the Board shall elect annually by secret
22 ballot from their own number a chairman who shall preside over
23 meetings of the Board and a secretary.

24 Meetings of the Board shall be held at least once each

1 quarter on a campus of Southern Illinois University. At all
2 regular meetings of the Board, a majority of its voting members
3 shall constitute a quorum. The student members shall have all
4 of the privileges of membership, including the right to make
5 and second motions and to attend executive sessions and, other
6 ~~than the right to vote, except that the student member~~
7 ~~designated by the Governor as the voting student member shall~~
8 ~~have~~ the right to vote on all Board matters except those
9 involving faculty tenure, faculty promotion or any issue on
10 which the student member has a direct conflict of interest. A
11 student member who is not entitled to vote on a measure at a
12 meeting of the Board or any of its committees shall not be
13 considered a member for the purpose of determining whether a
14 quorum is present at the time that measure is voted upon. No
15 action of the Board shall be invalidated by reason of any
16 vacancies on the Board, or by reason of any failure to select a
17 student member.

18 Special meetings of the Board may be called by the chairman
19 of the Board or by any 3 members of the Board.

20 At each regular and special meeting that is open to the
21 public, members of the public and employees of the University
22 shall be afforded time, subject to reasonable constraints, to
23 make comments to or ask questions of the Board.

24 (Source: P.A. 91-715, eff. 1-1-01; 91-778, eff. 1-1-01; 92-16,
25 eff. 6-28-01.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.